Approved For Release 2010/10/18 : CIA-RDP89-00066R000200060008-9 1/65 IV

S.L.C.

AMENDMENT NO. ___ CALENDAR NC. ___

PURPOSE: To expand and revise the Central Intelligence Agency Retirement and Disability System.

IN THE SENATE OF THE UNITED STATES -- 99TH CONG., 1ST SESS.

S. 1527

To amend title 5, United States Code, to establish a new retirement and disability plan for Federal employees, postal employees, and Members of Congress, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

Amendments intended to be proposed by Mr. _____.

VIZ: Redesignate title IV as title V.

Redesignate sections 401, 402, 403, and 404 as sections 501, 502, 503, and 504 respectively.

Immediately following title III, insert the following:

TITLE IV--CENTRAL INTELLIGENCE AGENCY RETIREMENT

Section 401. The Director of Central Intelligence (hereafter, the Director), notwithstanding any other provisions of law (including the foregoing provisions of this Act), shall have the sole and express authority to operate, maintain, and administer the Central Intelligence Agency Retirement and Disability System (hereafter, the CIARD System) for Agency employees, irrespective of their dates of hire, or their coverage under any other federal retirement system(s) as of the date immediately prior to the date of enactment of this provision. All employees of the Agency, irrespective of their dates of hire, who are or were appointed or employed under the authority of the DCI, shall be deemed to be members of the CIARD System upon such appointment or employment

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Section 401. for the duration of their service with the Agency; except that local national employees of the Agency, as defined in regulations prescribed by the Director, shall be excluded from membership. Members of the CIARD System may not elect to participate in the Federal Retirement System established by the preceding titles of this Act.

Section 402. The Director, notwithstanding any other provisions of law, may designate from time to time as special participant members of the System those members of the CIARD System, irrespective of their dates of hire, whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) distinguishable from the duties of normal government employment. Any special participant member who has completed fifteen years of service with the Agency and whose career at that time is adjudged by the Director to be qualifying as a special participant member may elect to remain a special participant member for his/her duration of employment by the Agency and such election shall not be subject to review or approval by the Director. Only U.S. citizen employees of the Agency may be designated as special participant members.

Section 403. Notwithstanding any other provisions of law, the Central Intelligence Agency Retirement and Disability System will provide for contributions, obligations, rights, and benefits for members and special participant members as follows:

(a) In the case of members of the CIARD System not subject to Social Security (Old Age Survivor and Disability Insurance, hereafter OASDI) tax and coverage pursuant to Public Law 98-21, and who at any time are designated pursuant to regulations prescribed by the Director, in accordance with Section 402 of this Act, as special participant members of the CIARD System, contributions, obligations, rights, and benefits (including age and service requirements for retirement eligibility) shall be equal to those for participants under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, as it stands as of the date immediately prior to the date of enactment of this provision and as it may be amended from time to time;

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(b) In the case of members of the System not subject to Social Security (OASDI) tax and coverage pursuant to Public Law 98-21, and who as of the date immediately prior to the date of enactment of this Act are under the Civil Service Retirement and Disability System established by Chapter 83 of Title 5, United States Code, contributions, obligations, rights, and benefits (including age and service requirements for retirement eligibility) shall be equal to those under the Civil Service Retirement and Disability System as it stands as of the date immediately prior to the date of enactment of this Act and as it may be amended from time to time;

(c) In the case of special participant members of the CIARD System who are subject to Social Security (OASDI) tax and coverage pursuant to Public Law 98-21, contributions, obligations, rights, and benefits (including age and service criteria for retirement eligibility) shall be the same as prescribed in the preceding titles of this Act for law enforcement officers and firefighters under the Federal Retirement System established by this Act, except that:

(1) for any such special participant member, notwithstanding any other provisions of law, the amount of the annuity the former special participant member is entitled to receive shall be equal to 1.3% of his or her average pay (as defined in Section 8401(3) of Title 5, United States Code) multiplied by total service; and

(2) such special participant members shall not be eligible to participate in the Thrift Savings Plan established by Title I of this Act, but may elect to participate, if and as eligible, in such a Thrift Savings Plan as may be established for them by the Director under Section 405 of this Act.

(d) In the case of members of the CIARD System who are subject to Social Security (OASDI) tax and coverage pursuant to Public Law 98-21, contributions, obligations, rights, and benefits (including age and service criteria for retirement eligibility) shall be equal to those prescribed in the preceding titles of this Act for participants in the Federal Retirement System other than law enforcement officers and firefighters: except that such members of the CIARD System shall not be eligible to participate in the Thrift Savings Plan

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established by Title I of this Act, but may elect to participate, if and as eligible, in such a Thrift Savings Plan or Plans as may be established for them by the Director under Section 405 of this Act.

(e) The Director, instead of the Director of the Office of Personnel Management (OPM), or any administrator of benefits (as defined in Section 8441(1) of Title 5, United States Code), or any other official shall be authorized to make any and all determinations called for or appropriate under this Act pertaining to disability, eligibility for disability benefits, computation of disability benefits, and any and all related matters, and to provide for the administration of the Agency's disability retirement program(s) in substantial conformity with the pertinent provisions of this Act, to the extent consistent with security and cover considerations.

Section 404. Credit for the service of Agency employees under the Civil Service Retirement and Disability System, including employees hired on or after 1 January 1984, shall be transferred in full to the employees' credit under the CIARD System. All necessary and appropriate transfers of contributions and other monies from the Civil Service Retirement and Disability Fund to the CIARDS Fund shall be effected as soon as practicable following the effective date of this Act.

Section 405. Notwithstanding any other provisions of law, the Director is authorized to establish and administer a Thrift Savings Plan or Plans for those members and special participant members of the CIARD System described in Sections 403(c) and (d) of this Act. Any such Plan or Plans shall be structured in substantial conformity with, and incorporate insofar as practicable, consonant with security and cover considerations, the governing rules and principles -- including eligibility requirements, and allowable employee and Government contribution amounts -- of the Thrift Savings Plan or Plans established under Title I of this Act for comparable participants in the Federal Retirement System.

Section 406. With respect to those members and special participant members described in Section 403(c) and (d) of this Act, the Agency

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contribution to the CIARDS Fund shall be calculated and paid in substantial conformity with those provisions of Title I of this Act determined by the Director to be parallel and properly applicable to the Agency.

Section 407. (a) The President of the United States shall, by Executive Order, prescribe such revisions of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, as are in accordance with and necessary or appropriate to carry out the purposes and provisions of those Sections 401-406 of this Act.

(b) Any provisions of an Executive Order issued pursuant to this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith:

(1) all provisions of law, except Sections 401-406 of this Act, enacted prior to the effective date of the provisions of such Executive Order, and

(2) any prior provisions of an Executive Order issued under authority of Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended.

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